

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
- v. -	:	<u>[PROPOSED] ORDER</u>
	:	
EDGAR ENCARNACION-LAFONTAINE,	:	S2 13 Cr. 030 (JSR)
	:	
Defendant.	:	
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WHEREAS, on or about November 9, 2010, EDGAR ENCARNACION-LAFONTAINE (the “Defendant”), was charged in Superseding Indictment, S12 10 Cr. 905 (the “First Indictment”), with organization marijuana conspiracy, in violation of Title 21, United States Code, Section 846 (Counts One and Two);

WHEREAS, on or about January 6, 2014, the Defendant was charged in a second Superseding Indictment S2 13 Cr. 30 (the “Second Indictment”) with: (1) conspiracy to distribute marijuana, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) (Count One); (2) conspiracy to distribute cocaine, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) (Count Two); (3) conspiracy to use interstate facilities in aid of racketeering and to threaten injury to the person of another, in violation of Title 18, United States Code, Section 371 (Count Three); (4) interstate threats and extortion, in violation of Title 18, United States Code, Sections 875(b) and 2 (Count Four); (5) use of interstate facilities in aid of racketeering, in violation of Title 18, United States Code, Sections 1952(a)(3) and 2 (Count Five); and (6) conspiracy to commit witness tampering, in violation of Title 18, United States Code, Section 1512(k) (Count Six);

WHEREAS, on or about September 5, 2013, the cases were consolidated and assigned to this Court for further proceedings;

WHEREAS, on or about December 11, 2014, the Defendant was found guilty, following a jury trial, of Counts One through Four and Six of the Second Superseding Indictment, S2 13 Cr. 30;

WHEREAS, on or about November 17, 2023, the Defendant filed a letter with the Court seeking the return of certain property purportedly seized by the Government at the time of his arrest on or about December 21, 2010, specifically: (1) jewelry, consisting of (a) two – 18 karat gold chains, (b) a diamond earring, (c) his grandmother’s wedding band, and (d) a chrome Citizen watch, (collectively, the “Jewelry”); and (2) \$4,456 in U.S. currency;

WHEREAS, the Government confirmed that it seized the sum of \$4,559 in United States currency from the Defendant at the time of his arrest on December 10, 2010 (the “Seized Funds”), but has no record of a seizure of jewelry, nor has the Government located such Jewelry in its custody; and

WHEREAS, the Government has agreed to return the Seized Funds to the Defendant.

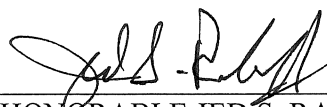
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As soon as practical after entry of this Order, the United States Customs and Border Protection, or its designee, the Office of Fines, Penalties and Forfeitures, shall return the

Seized Funds to the Defendant, in a manner consistent with the United States Department of Treasury Automated Clearing House (“ACH”) Form to be completed by the Defendant.

Dated: New York, New York  
\_\_\_\_ 12/5 \_\_\_\_, 2023

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE JED S. RAKOFF  
UNITED STATES DISTRICT JUDGE